

APPROVED	CHAPTER
MAY 05 '05	77
BY GOVERNOR	PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIVE

S.P. 248 - L.D. 750

An Act To Clarify the Authority of Podiatrists To Use  
Assistants

**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this Act clarifies that podiatrists are authorized to delegate podiatric medical services to assistants; and

**Whereas,** it is the common practice of podiatrists in the State to use podiatric assistants; and

**Whereas,** it is urgent that the clarification of the podiatrist's authority to use assistants in all aspects of podiatric medicine be effective immediately in order to allow podiatrists to continue practicing in a safe and legal manner; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §3552-A is enacted to read:

§3552-A. Podiatric assistants

1. Podiatric assistants permitted. This chapter may not be construed to prohibit a podiatric assistant from rendering podiatric medical services if these services are rendered under the supervision and control of a podiatrist and if that podiatric assistant is in a training program approved by the board or has satisfactorily completed training and a competency evaluation approved by the board. "Supervision and control" may not be construed to require the personal presence of the supervising and controlling podiatrist at the place where these services are rendered, unless a physical presence is necessary to provide patient care of the same quality as provided by the podiatrist. This chapter may not be construed to prohibit a podiatrist from delegating to a podiatric assistant certain activities relating to medical care and treatment that are delegated by custom and usage, as long as those activities are under the supervision or control of the podiatrist, who must be present on the premises at the time the activities are performed. This section may not be construed to require the presence of the supervising and controlling podiatrist during the rendering of nondiagnostic or nontherapeutic services.

2. Liability. A podiatrist who delegates activities as described in subsection 1 to a podiatric assistant is legally liable for the medical activities of that podiatric assistant, and a podiatric assistant in this relationship is considered the podiatrist's agent. This subsection may not be construed to apply to an individual acting under a separate license accepted by the State to render services independently.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.